

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

SHARON JEAN ERTER
a.k.a. SHARON JEAN SCHAAF
a.k.a. SHARON JEAN WADDELL
29044 Shadow Creek Lane
Highland, CA 92346

Registered Nurse License No. **498822**

Respondent

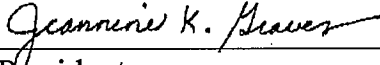
Case No. 2011-568

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **March 21, 2011.**

IT IS SO ORDERED **March 21, 2011.**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 M. TRAVIS PEERY
Deputy Attorney General
4 State Bar No. 261887
300 So. Spring Street, Suite 1702
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Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-568

13 **SHARON JEAN ERTER, AKA SHARON**
14 **JEAN SCHAAF, AKA SHARON JEAN**
15 **WADDELL**
16 **29044 Shadow Creek Lane**
17 **Highland, CA 92346**
18 **Registered Nurse License No. 498822**

19 **STIPULATED SURRENDER OF**
20 **LICENSE AND ORDER**

21 Respondent.

22 In the interest of a prompt and speedy resolution of this matter, consistent with the public
23 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer
24 Affairs the parties hereby agree to the following Stipulated Surrender of License and Order which
25 will be submitted to the Board for approval and adoption as the final disposition of the
26 Accusation.

27 PARTIES

28 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
Registered Nursing. She brought this action solely in her official capacity and is represented in
this matter by Kamala D. Harris, Attorney General of the State of California, by M. Travis Peery,
Deputy Attorney General.

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2. Sharon Jean Erter, aka Sharon Jean Schaaf, aka Sharon Jean Waddell (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about March 31, 1994, the Board of Registered Nursing issued Registered Nurse License No. 498822 to Sharon Jean Erter, aka Sharon Jean Schaaf, aka Sharon Jean Waddell (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2011-568 and will expire on July 31, 2011, unless renewed.

JURISDICTION

4. Accusation No. 2011-568 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 23, 2010. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2011-568 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2011-568. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 2011-568, if proven at a hearing, constitute cause for imposing discipline upon her Registered Nurse License.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline. Respondent hereby gives up her right to contest that cause for discipline exists based on those charges.

10. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
2 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
3 executed by an authorized representative of each of the parties.

4 14. In consideration of the foregoing admissions and stipulations, the parties agree that
5 the Board may, without further notice or formal proceeding, issue and enter the following Order:

6 **ORDER**

7 IT IS HEREBY ORDERED that Registered Nurse License No. 498822, issued to
8 Respondent Sharon Jean Erter, aka Sharon Jean Schaaf, aka Sharon Jean Waddell, is surrendered
9 and accepted by the Board of Registered Nursing.

10 15. The surrender of Respondent's Registered Nurse License and the acceptance of the
11 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
12 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
13 license history with the Board.

14 16. Respondent shall lose all rights and privileges as a Registered Nurse in California as
15 of the effective date of the Board's Decision and Order.

16 17. Respondent shall cause to be delivered to the Board her wall license certificate and, if
17 one was issued, her pocket license on or before the effective date of the Decision and Order.

18 18. If Respondent ever files an application for licensure or a petition for reinstatement in
19 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
20 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
21 effect at the time the petition is filed, and all of the charges and allegations contained in
22 Accusation No. 2011-568 shall be deemed to be true, correct and admitted by Respondent when
23 the Board determines whether to grant or deny the petition.

24 19. Upon reinstatement of the license, Respondent shall pay to the Board costs associated
25 with its investigation and enforcement pursuant to Business and Professions Code section 125.3
26 in the amount of Five Thousand Dollars (\$5,000.00). Respondent shall be permitted to pay these
27 costs in a payment plan approved by the Board.

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20. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2011-568 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

21. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 1-21-2011

Sharon J. Erter
SHARON JEAN ERTER, AKA SHARON JEAN
SCHAAF, AKA SHARON JEAN WADDELL
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: December 28, 2010

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General

M. Travis Peery
M. TRAVIS PEERY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2011-568

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 M. TRAVIS PEERY
Deputy Attorney General
4 State Bar No. 261887
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13 **JEAN SCHAAF, AKA SHARON JEAN**
14 **WADDELL**
29044 Shadow Creek Lane
Highland, CA 92346
Registered Nurse License No. 498822

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges;

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about March 31, 1994, the Board of Registered Nursing issued Registered
23 Nurse License Number 498822 to Sharon Jean Erter, aka Sharon Jean Schaaf, aka Sharon Jean
24 Waddell (Respondent). The Registered Nurse License was in full force and effect at all times
25 relevant to the charges brought herein and will expire on July 31, 2011, unless renewed.

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1 **COST RECOVERY**

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **CONTROLLED SUBSTANCES**

7 9. "Hydromorphone Hydrochloride" or "Dilaudid" is a Schedule II controlled substance
8 as defined in Health and Safety Code section 11055, subdivision (b)(1)(k), and is categorized as a
9 dangerous drug pursuant to section 4022.

10 10. "Hydrocodone" or "Norco" is a Schedule III controlled substance as defined in
11 Health and Safety Code section 11056, subdivision (e), and is categorized as a dangerous drug
12 pursuant to section 4022.

13 **SUMMARY OF FACTS**

14 11. On or about November 15, 2008, the Board of Registered Nursing received a
15 complaint against Respondent from Guay Khim Fugate ("Fugate") of Arrowhead Regional
16 Medical Center ("ARMC") alleging that Respondent unlawfully pulled vials of medication from
17 both the sharps disposal container and pharmaceutical waste container in the nursing unit.

18 12. On or about January 14, 2009 a second complaint was filed regarding Respondent's
19 admission to an addiction to the narcotic Norco and her admission that in or around November of
20 2008 Respondent entered a treatment program at Kaiser Permanente for that addiction.

21 13. On or about February 24, 2009, Respondent signed a "Last Chance" agreement in
22 order to continue her employment at ARMC. The agreement required her to submit to random
23 drug tests. On or about January 8, 2010, ARMC directed Respondent to submit to a random drug
24 test and she did not comply. As a result ARMC decided to separate Respondent's employment
25 as a Registered Nurse. Respondent decided to resign in lieu of termination.

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14. Subsequently, a Medselect report was run for 2008 for Norco and Dilaudid which indicated that Responded dispensed the largest quantity of these medication of all nurses at ARMC during that time period. With respect to Dilaudid, Respondent dispensed over twice the amount as the second highest dispensing nurse.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

15. Respondent is subject to disciplinary action under section 2761, subdivision (a), in that Respondent engaged in unprofessional conduct involving controlled substances while working at ARMC, as follows:

a. On or about November 15, 2008, Respondent placed her hand in the sharps container and the medication waste contained and pulled out at least one vial of medication.

c. On approximately three different occasions, Respondent pulled empty and non-empty vials out of the medication waste dispenser which contained used vials of medication such as Dilaudid and Morphine, and held them in her possession for five minutes, ten minutes, and thirty minutes.

d. On or about February 24, 2009, Respondent agreed to sign and signed a "last chance" document indicating that she would provide a urine specimen for drug testing when asked. When requested to do this on or about January 22, 2010, she failed to honor her agreement.

SECOND CAUSE FOR DISCIPLINE

(Obtain or Possess Controlled Substances)

16. Respondent is subject to disciplinary action under section 2761, subdivision (a), in conjunction with section 2762, subdivision (a), in that Respondent unlawfully possessed controlled substances while working at ARMC, as follows:

c. On approximately three different occasions, Respondent pulled empty and non-empty vials out of the medication waste dispenser which contained used vials of medication such as Dilaudid and Morphine, and held them in her possession for five minutes, ten minutes, and thirty minutes.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 498822, issued to Sharon Jean Erter, aka Sharon Jean Schaaf, aka Sharon Jean Waddell;
2. Ordering Sharon Jean Erter to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

12/23/10

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California.
Complainant

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